



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Acting Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 9807291

**Applicant Name:** Howard Jensen, Hillis Clark Martin & Peterson, P.S for  
Broadmoor Golf Club

**Address of Proposal:** 2340 Broadmoor Drive East

**SUMMARY OF PROPOSED ACTION**

Shoreline substantial development permit to construct a new driving range fence approximately 60 feet in height to replace existing 6' to 40' high fence. Project includes replacing existing tee boxes for existing golf club, grading, and the placement of approximately 14,810 cubic yards of fill within the existing driving range area.

The following approvals are required:

**SEPA** - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

**Substantial Development** - To allow a fence, grading and alterations to a golf club in a CP environment 23.60.300 SMC.

**Shoreline Variance** - to allow a fence to exceed the height limit in a CP environment (allowed 15 feet, proposed maximum 61.6 feet) Section 23.60.334 SMC & WAC 173-27-170 2.

**Shoreline Conditional Use** - to allow landfill on dry land in the CP Environment Section 23.60.304 C SMC & WAC 173-27-160.

**Variance** to allow a fence to exceed the height limit in an SF 7200 zone (allowed 6'-8'), proposed maximum 61.6 feet Section 23.44.024014D10 SMC

**SEPA DETERMINATION:**      ☐ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS

☒ DNS with conditions

☒ DNS involving non-exempt grading,  
or demolition, or another agency with jurisdiction.\*

\*Early Notice DNS published: October 22, 1998.

## **BACKGROUND DATA**

### **Site Description**

The project site occupies the northwest corner of the Broadmoor Golf Club (BGC), a 200 acre residential area surrounded by an 18 hole golf course. This community is located north of East Madison Street, east of Washington Park (University of Washington Arboretum) south of Foster Island and west of 38th Ave. E. This area is zoned Single Family Residential (SF 7200) and in a Conservancy Preservation shoreline environment (CP). The driving range project area site measures approximately 340 feet north to south and 700 feet east to west.

The area is currently fenced to prevent mis-hit balls from leaving the driving range and entering the adjacent public access recreation areas and Broadmoor Golf Course's 18<sup>th</sup> Hole Fairway. Current fencing consists of a 6' high by 360' long fence on the westerly half of the northerly margin of the driving range, which is located on unimproved Lakeside Boulevard and north of the subject BGC property. The fence on the remaining easterly half along the north margin of the driving range is approximately 45' high by 360' long. This fence portion is also located off site (on unimproved Lakeside Boulevard and on University of Washington owned property). A 45' high by 280' long fence is located on the east margin of the driving range, the northerly 50' which is located on UW owned vacant property and with most of its southerly 230' located on unimproved Lakeside Boulevard.

### **Development in the Vicinity**

Surrounding development is mostly single family developed to the east and south of the golf course, Washington Park to the west and Foster Island to the north (the latter a 40-acre wetland and natural wildlife preserve).

### **Proposal Description**

Broadmoor proposes to replace the existing driving range fence and reconfigure the driving range and associated tee boxes. A primary purpose of the project is to improve public safety in and around the driving range. The present configuration of the driving range and tee boxes allows golf balls to be driven over the existing fence toward the Lake Washington Ship Canal and Foster Island. Golf balls have been known to nearly miss persons boating in the Lake Washington Ship Canal.

The existing fence along the northern and eastern boundaries of the driving range varies between 20 and 40 feet in height. This is too short to prevent golf balls from exiting the driving range. The new fence will be taller, extending 54.5 feet above finished grade along the northern and eastern boundaries of the driving range. Along the southern boundary, the new fence will be divided into three sections, two of which will rise 54.5 feet above finished grade, and the third, which will be located closest to the tee boxes, will rise 21 feet above finished grade. The northern and eastern portions of the new fence will raise an average of less than 60 feet above existing grade. At one location only, the new fence will rise 61.6 feet above existing grade. These fence heights were determined by the architect to be necessary to contain golf balls within the driving range, assuming standard distance and trajectory measurements.

A section of the existing fence located along the northwest boundary of the driving range will not be dismantled or removed. The fence in this area parallels the trail to Foster Island. It will be left in place in order to protect the wetland and new buffer areas located to the north of the driving range. This section of the fence is currently on Broadmoor property, but upon final approval of the street vacation and the corresponding land exchange, the City of Seattle will own this section of the fence and the underlying property. The City may decide to remove this section of the fence in the future.

Another purpose of the project is to enhance the function of the wetlands to the north and east of the driving range by creating a buffer between the driving range and the wetlands. Along the northern and eastern boundaries of the driving range, the new fence will be moved south and west, away from the wetlands located immediately north and east of the existing fence. On average, the new fence will be moved 50 feet away from the existing wetlands. In the northwest corner of the reconfigured driving range, the new fence will be moved approximately 110 feet south of the wetlands. In the northeast corner, the new fence will be moved approximately 80 feet south of the wetlands to the north and 30 feet west of the wetlands to the east. In the southeast corner, the new fence will be moved approximately 30 feet west of the wetlands to the east. At its closest point (near the center of the northern section of the fence), the new fence will be approximately 20 feet south of the wetlands. The project does not involve the placement of fill or structures in the wetlands.

Location of the new fence away from the wetlands will create more than one acre (46,411 square feet) of new buffer area (the "New Buffer Area"). The New Buffer Area will consist of all areas between the new and existing driving range fence. The New Buffer Area will be planted with new vegetation in accordance with the Wetland Report and Plan Sheet WL-1, which sets forth the planting and monitoring requirements.

In order to accommodate the New Buffer Area, the overall size of the driving range will be reduced by more than one acre. The existing driving range occupies 209,088 square feet. The reconfigured driving range will occupy 162,677 square feet, which represents a reduction of 46,411 square feet.

In order to prevent surface water from entering the wetlands or the Lake Washington Ship Canal and to provide a more even playing surface, the existing grade of the driving range will be raised by 1.5 to 7.6 feet, to attain a uniform elevation of 15.5 feet above mean sea level. This will

require an estimated 14,810 cubic yards of fill material, 14,310 of which will be imported from offsite and 500 of which will result from the grading work at the tee boxes (see discussion below). This figure includes the soil necessary to create a small earth berm under the northern and eastern boundaries of the new fence, so that surface water from the driving range is kept within the driving range and does not discharge into the wetlands or the Lake Washington Ship Canal. As an additional protective measure, straw bales and silt fences will be placed at the toe of the berm to capture any silt erosion in accordance with the Temporary Erosion and Sedimentation Control ("TESC") measures set forth on Plan Sheets TESC-1 and TESC-2.

There are two existing tee boxes at the driving range. The southern tee box will be converted into a practice area. The northern tee box will be torn down and rebuilt into two sections, one slightly lower than the other. The new tee boxes will be oriented eastward in order to prevent golf balls from exiting the driving range. Along the western portion of the new tee boxes, an estimated 500 cubic yards of soil will be removed from the surface and replaced with 500 cubic yards of imported soil suitable for growing grass. The 500 cubic yards of cut material will be placed as fill on the driving range surface.

An underground drainage system is necessary to protect the integrity of the concrete collars that stabilize each fence pole. The footing drainage system will run the length of the new fence along the northern and eastern boundaries of the driving range. The footing drainage system will capture all water that accumulates around the concrete collars and convey the water to the east and south for ultimate discharge into an existing drainage ditch located on Broadmoor property along the southern boundary of the driving range.

The new fence will be supported by a series of 27 black steel poles, guy wires, and multiple anchors. The poles will vary in height from 52 to 92.6 feet, depending on the structural needs for each pole. For stabilization, each steel pole will be buried 26.5 to 34.5 feet below finished grade and will be attached to a concrete collar. The concrete collars will be buried 1.5 to 6.6 feet below finished grade, depending on the structural needs for each pole.

The fence material will consist of black polyester netting. The architect selected the black color for the poles and netting because it will provide the greatest protection from deteriorating weather conditions and will prevent ultraviolet rays from degrading the netting. Existing trees and vegetation located to the north and east of the project site will be retained. This vegetation is expected to screen the poles and netting from view by users of the Lake Washington Ship Canal and Foster Island.

### Public Comments

One letter in support was received during the public comment period which ended on November 20, 1998. Three additional letters in support were received after this comment period and between a new comment period ending on March 12, 1998, to allow for public comments on the additional inclusion of a Shoreline Conditional Use Application (CUA). The CUA was for the proposed land fill on dry land in a CP Environment. One of three letters expressed concerns about fence height to flight paths of eagles which inhabit the wetland to the north. Another of the letters from Arboretum-Lakeside Trail raised environmental issues (water quality and runoff)

and whether the proposed fence would preclude access to one of the three alternative routes for the City of Seattle Department of Parks & Recreation proposed Arboretum Lakeside Trail.

#### Additional Information

The BGC indicates they have an agreement with the University of Washington for the proposed grading and fence.

### **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT**

Section 23.60.030 of the Seattle Municipal Code sets forth criteria for review of shoreline substantial development permits. A substantial development permit shall be issued only when the development proposed is consistent with:

*A. The policies and procedures of Chapter 90.58 RCW;*

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines in the state by planning for and fostering all reasonable and appropriate uses within shoreline areas. This set of laws contemplates protecting against adverse effects to public health, the land, vegetation and wildlife, and the waters of the state and associated aquatic life. The Act also protects public rights of navigation and corollary incidental rights. Permitted uses in the shorelines are required to be designed and conducted in a manner to minimize, insofar as practical, any damage to the ecology and environment of the shoreline area and any interference with the public's rights for use of the water.

The Shorelines Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology functions in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60. Development within the designated shoreline areas of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local shoreline master program. The Act sets for procedures, including, but not limited to public notice, appeals, and penalties for violations.

The proposal is subject to the Shoreline Policies of SMC 23.60.004 because the site is located within the shoreline district and the cost of the project exceeds \$5,000.

*B. The provisions of Chapter 173-27 WAC; and*

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including: notice of application, issuance of permits, revisions to permits, formats for permits, and provisions for review by the state's Department of Ecology (DOE).

Because the Seattle Shoreline Master Program has been approved by DOE, SMC Chapter 23.60 it is consistent with the criteria and procedures set forth in WAC 173-27 and RCW 90.58.

*C. The regulations of this Chapter [SMC 23.60]*

Chapter 23.60 of the Seattle Municipal Code is known as the "Seattle Shoreline Master Program". In evaluating requests for substantial development permits, the Director must determine that a proposed use is consistent with the criteria set forth in SMC 23.60.030 and with the shoreline policies established in SMC 23.60.004. Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064).

**SSMP 23.60.004 - SHORELINE POLICIES**

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district. While the driving range is actually a non-conforming use, its total area is proposed to be reduced and wetland buffer restored. This would be supported, in part, by the Shoreline Goals and Policies and elements of Seattle's Comprehensive Plan. Specifically, the proposal for alterations to the existing driving range would be consistent with Shoreline Goals and Policies in terms of protecting the safety of adjacent park users and restoring the shoreline environment which is supported by the purpose of the CP environment as described in SMC 23.60.220. Also, the proposal is consistent with the Land Use and Environmental Policies of Seattle's Comprehensive Plan, which identifies the importance for opportunities to restore and protect the shoreline environment and for the public to enjoy the shoreline.

**SSMP 23.60.152 - DEVELOPMENT STANDARDS FOR ALL ENVIRONMENTS**

These general standards apply to all uses in the shoreline environments. They require that the design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses must: 1) minimize and control any increases in surface water runoff so that receiving water quality and shore properties are not adversely

affected; 2) be located, designed, constructed, and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area; and 3) be located, constructed, and operated so as not to be a hazard to public health and safety.

The overall size of the driving range will be reduced by more than one acre. The existing driving range occupies 209,088 square feet. The reconfigured driving range will occupy 162,677 square feet, which represents a reduction of 46,411 square feet. The primary focus of the work immediately adjacent to the wetlands is to reestablish a buffer between the driving range and the wetlands to the north and east of the range. Location of the new fence away from the wetlands will create more than one acre (46,411 square feet) of new buffer area.

As part of addressing water quality issues, the applicant will submit an Integrated Pest Management Plan (IPMP) for the area within the driving range area.

#### **SSMP 23.60.122 – NONCONFORMING USES**

SMC Section 23.60.122.B allows a nonconforming use to be maintained, repaired, renovated or structurally altered but does not allow it to expand or extend beyond its existing dimensions.

The overall size of the driving range will be reduced by more than one acre.

#### **SSMP 23.60.064 – PROCEDURES FOR OBTAINING SUBSTANTIAL DEVELOPMENT PERMITS, SHORELINE VARIANCE PERMITS, SHORELINE CONDITIONAL USE PERMITS AND SPECIAL USE AUTHORIZATIONS**

SMC Section 23.60.064.E provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter 23.60 and with RCW 90.58.020.

The City's Stormwater, Grading and Drainage Control Code (SMC 22.800) has been revised with considerable emphasis on improving water quality. In conjunction with this effort a Director's Rule, 6-93, was developed to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Because of the somewhat limited extent of the proposed development, and because the City's BMP's will be met as necessary, no additional mitigation is necessary, except for the condition noted below to ensure no water quality impacts to the wetland of exceptional value.

#### **SSMP 23.60.300-CONSERVANCY PRESERVATION ENVIRONMENT DEVELOPMENT STANDARDS**

Approximately the northerly half of the BGC driving range is located in the CP Environment. The applicant is proposing grading, landfill and new fencing in this area. The height of the fencing is subject to variance approval from both the underlying zone SF7200 zone and the CP

shoreline environment which limit fence height to 30 feet and 15 feet respectively. The proposed grading and landfill is subject to Shoreline Conditional Use criteria. Therefore, the majority of the development standard analysis has been evaluated below. Other than those approvals, the proposed project would meet the development standards of the CP environment.

### **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT**

The Shoreline Substantial Development permit is **CONDITIONALLY GRANTED** subject to the condition listed at the end of this report.

### **ANALYSIS - SHORELINE VARIANCE**

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

- a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes or significantly interferes with a reasonable use of the property.*
- b. That the hardship described in WAC 173-14-150(2)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;*
- c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment*
- d. That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area*
- e. That the variance requested is the minimum necessary to afford relief; and*
- f. That the public interest will suffer no substantial detrimental effect.*

The above variance criteria will be analyzed in the order numbered above for the proposed fences all of which exceed the maximum 15' height of the CP Environment. Proposed fence heights beginning with pole #1 has a height of 25', a height of 45' at pole #2, and a height of 60' at poles #3-16.

a. & b. The subject use, a private club, has been in existence since 1927 and the driving range since 1962. From 1962 when grading from State Route 520 resulted in the present natural preserve (Foster Island and environs) to the present time, which has continued to increase in

usage by the public to enjoy the natural setting. While the existing fence may have been adequate at one time to protect the public from mis-hit balls, due to the increased usage by the public, that is no longer true. Public safety is a valid concern. Because the driving range location has not changed from its original location and has been in continuous operation, it is reasonable to claim the proximity of the adjacent park and current configuration of the existing Broadmoor driving range is a property related hardship. Denial of this variance would expose the public to mis-hit balls, a public safety issue which interferes with a reasonable use of the driving range and to a certain degree, the reasonable use of the public park.

- c. The proposed design will not be incompatible with other nearby uses, because while the poles and netting will quite tall (up to 61.6' high) it will not be out of character with the existing fences which are as high as 45'. Some verbal comments have been expressed that the fence and pole could be colored gray rather than the proposed black color. However the applicant indicates the color of the netting has been determined by the manufacturer to reduce adverse ultraviolet radiation on the netting, which would prematurely shorten its life.

d,e,& f The requested variance would not constitute a grant of special privilege not enjoyed by other properties in the area. Maintaining an existing use without threatening public safety is a privileged enjoyed by nearly all property owners in any zone. There are few golf courses within the city limits. But it should be noted that the rather recently constructed Interbay Driving Range has a fence 100 feet in height, which was approved by City Council. Therefore, it would not be unreasonable to allow a fence height of 30 feet for portions of the driving range and 60 feet for others as this is needed to protect public safety and allow the continued use of the driving range. Sixty foot high fences would be the minimum necessary to contain golf balls in the eastern portions of the driving range and would not present substantial detrimental effects to the public. In fact, this should prove a benefit to public safety in the long term.

### **DECISION - SHORELINE VARIANCE**

The Shoreline Variance for fence height is **CONDITIONALLY GRANTED** subject to the condition listed at the end of this report.

### **SHORELINE CONDITIONAL USE**

Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

- a. *That the proposed uses is consistent with the policies of RCW 90.58.020 and the master program;*
- b. *That the proposed use will not interfere with the normal public use of public shorelines;*

- c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;*
- d. That the proposed uses will cause no significant adverse effects to the shoreline environment in which it is to be located; and*
- e. That the public interest suffers no substantial detrimental effect.*

The proposed use is consistent with the above criteria because the proposed development will not change the character or affect the ecology of the shoreline (wetlands and Union Bay) and will not alter (interfere) with the existing public use or recreational opportunities for the public in the shoreline. It will in fact allow for improved drainage of the driving range site and foster the continued protection of the adjacent shoreline ecosystem. By protecting users of the adjacent recreation area and balancing the long term interest of park users without infringing on the rights of private property owners to maintain an existing use, the project will be consistent with the goals and policies of RCW 90.58.020 and Seattle's Shoreline Master Program.

Because the work will be adjacent to such a fragile shoreline ecosystem, conditions will be required that will ensure the work is done in a manner that is not detrimental to the shoreline environment.

### **DECISION - SHORELINE CONDITIONAL USE**

The Shoreline Conditional use for grading and fill of 15,000 cubic yards of earth is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

### **ANALYSIS - VARIANCES**

Variances from the provisions or requirements of the Land Use Code shall be authorized when all the facts and conditions listed below are found to exist. An analysis of the project follows each citation of variance criteria.

- 1. Because of unusual conditions applicable to the subject property including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

According to the manager for BGC, the subject driving range was incorporated into the Broadmoor golf course around 1962 at which time the adjacent park came into increased usage due to artificial fill from the development of State Route 520. Since that time, the nature trail and surrounding area has experience increased public use and complaints from the public about mis-hit golf balls have increased as well. There are no other driving ranges in the subject area to compare similar rights and privileges to, because surrounding development is public parks and

single family residences, which do not have the physical limitations of trying to control mis-hit golf balls due to adjacent park development. However, it is reasonable to consider the maintenance of one's property and use without fear of harm to the public as a privilege enjoyed by most property owners. The location of the adjacent public park and its increased use has created a risk that was not present when the golf course was established and use of the park was minimal. Strict application of the height limit for fences would deprive Broadmoor Golf Course of the continued safe and prudent use of its property.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

It is difficult to determine what the height of a fence should be to prevent most mis-hit balls from entering the public areas to the north. However in light of the 100 foot high fence of the Interbay driving range and its approval by the city council, the proposed 60' height does not appear to go beyond the minimum necessary for relief. No other comparable uses are in the vicinity, so variance approval would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

Variance approval would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located because the character of the driving range would not appreciably change. Existing fences at 40 feet in height already contain parts of the property. A change of 20 feet in height, together with the reorientation and reduction in size of the existing Golf Course should result in no material detriment to the public welfare.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties and;*

The strict application of the code restricting height limits for these fences would result in the termination of the driving range use or the continued threat to public safety. This would be an undue hardship on the property. Although the use is considered non-conforming to current code, it is allowed to remain. To allow this use to remain but not afford the property owner and the public protections from the continued use would be illogical and would cause considerable limitations on the use and enjoyment of that property and the adjacent public space.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The applicable land use code regarding non-conforming uses in SMC 23.42 allow for those uses to continue, so long as they are not expanded or extended. In this case, the proposal calls for a reduction in the area of the driving range. The increased height of the fence would not allow for increased or extended use of the driving range, but would provide for increased public safety for the existing use. This would be consistent with the policies by allowing this non-conforming use to be maintained and operated in a safe and prudent manner

### **DECISION -VARIANCE**

The variance to exceed the height limit is **GRANTED**

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant October 5, 1998; revised May 10, 1999; revised April 30, 2002; and revised January 10, 2003. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

#### **Short-term Impacts**

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from grading and hydrocarbon emissions from construction vehicles and equipment; increased truck traffic bring in fill material, increased traffic and demand for parking from construction equipment and personnel; increased noise; removal of existing vegetation; erosion and sedimentation, and consumption of renewable and non-renewable resources. These impacts are expected to be minor in scope and of short duration. The closest location of residences to the proposed work is 600 ft. to the south, which together with requirements of the Seattle Noise Ordinance to control sound levels will be sufficient, therefore,

no substantial noise impacts are envisioned. No slope stability impacts are contemplated due to the limited height (4') and steepness (50%) of grading and Shoreline conditions to restore all existing vegetation proposed to be removed. Bald eagles could be impacted by the construction activity therefore the applicant will need to coordinate with the Washington State Department of Fish and Wildlife (WDFW) Area Habitat Biologist to determine if a Bald Eagle Management Plan is necessary. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794). Although not significant, these impacts are adverse.

### Long-term Impacts

No long-term or use-related impacts are anticipated as a result of this approval. This proposal should have no effect on traffic in the area, demand for parking or demand for public services and utilities. No noise impacts, no light or glare impacts, and no impacts to housing or environmental health are anticipated long term for the completed project.

Water quality could potentially be affected by runoff or leaching of pesticides and fertilizers from the driving range. To ensure that the project does not adversely affect water quality, a condition shall be imposed requiring that an Integrated Pest Management program be developed within the driving range area.

In terms of Height, Bulk and Scale, the proposal could present an incompatibility between the very large proposed fence structure and the adjacent public park. However, the location of existing trees and vegetation would sufficiently screen the development from adjacent park users.

The project involves no work in the wetlands and limited work in areas immediately surrounding the wetlands. The nature and scope of this work is shown on the Plan Sheets. The primary focus of the work immediately adjacent to the wetlands is to create a buffer between the driving range and the wetlands to the north and east of the range. Location of the new fence away from the wetlands will create more than one acre (46,411 square feet) of New Buffer Area. The New Buffer Area will consist of all areas between the new and existing driving range fence. The New Buffer Area will be planted with new vegetation in accordance with the Wetland Report and Plan Sheet, which sets forth the planting and monitoring requirements.

Creation of the New Buffer Area will enhance the functional values of the Arboretum wetland complex. According to the Wetland Report, the stated goals of the New Buffer Area are "enhancement of wildlife habitat, buffering of the wetland and the slough from golf course activities, and an increase in both plant and animal species diversity." Wetland Report, p. 8. The Wetland Report concludes that movement of the new fence away from the wetlands "presents an opportunity to provide native shrub and forest community between the driving range and the wetland complex, which would result in a benefit to the wildlife utilizing the wetland habitats in existing conditions." *Id.*

Other impacts not noted here as mitigated by codes or conditions (earth/soils, increased ambient noise, increased traffic, increased demand on public services and utilities, increased airborne emissions, increased light and glare, loss of vegetation) are not sufficiently adverse to warrant further mitigation by condition.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

### **CONDITIONS – SEPA - SHORELINE VARIANCE – SSDP - SCU**

#### *Prior to issuance of Construction Permit*

1. Applicant shall provide a final Wetland & Buffer Restoration Plan that includes a detailed site plan showing plantings prior to approval of construction permits.
2. Applicant shall coordinate with the Washington State Department of Fish and Wildlife (WDFW) Area Habitat Biologist to determine if a Bald Eagle Management Plan is necessary for project.
3. Applicant shall submit an Integrated Pest Management Plan (IPMP) within the driving range area.

Signature: \_\_\_\_\_ (signature on file) Date: February 13, 2003  
Robert Knable, Wetland Biologist/Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Division

RDK:vw